

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KAMISHA L.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 3:23-CV-03722-NJR

ORDER OF REMAND

ROSENSTENGEL, Chief Judge:

Before the Court is the parties' Joint Motion to Remand to the Social Security Administration under sentence four of 42 U.S.C. § 405(g). (Doc. 21). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Perlman v. Swiss Bank Corp. Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-03 (1993).

The parties agree that, upon remand, the Appeals Council will vacate all findings in the decision entered by the Administrative Law Judge (ALJ) and remand the matter to an ALJ for further proceedings. On remand, the ALJ will proceed through the sequential disability evaluation process, obtain supplemental vocational expert testimony if warranted, and issue a new decision. In this process, the ALJ will evaluate the evidence, assess Plaintiff's residual functional capacity, and determine whether Plaintiff could perform her past relevant work or other work in the national economy.

While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Joint Motion to Remand (Doc. 21) is **GRANTED**. The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability insurance benefits is **REVERSED** and **REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

DATED: April 30, 2024

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. Behind the signature, there is a faint, circular official seal of the United States District Court for the District of New Jersey.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge